UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,187	11/10/2000	David Raccah	ZAM-0001	4972

7590   08/01/2006

PATENT DEPARTMENT- Barry Young
Gray Cary Ware & Freidenrich LLP
1755 Embarcadero Road
Palo Alto, CA 94303

EXAMINER
WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/709,187	RACCAH ET AL.
	Examiner	Art Unit	
	Liang-che Alex Wang	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 June 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-8,11,13 and 14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6-8,11,13 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1, 6, 7, 8, 11, 13-14 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 03/25/2003, have been fully considered but they are

not persuasive.

3. In that remarks, applicant's argues in substance:

> That: Choquier does not disclose or suggest a system having a metadata
> service that is separate and independent from the storage service; the arbiters 128
> do not provide a meta data service or access to meta data.
>
> This is found not persuasive because, first of all, nowhere in the claim
> describes the limitation "a system having a metadata that is *separate* and
> independent from the storage service". It is true that Choquier is replicating
> content data, however, the process of making a copy of data stored in the server to
> the arbiter requires data access for replication, which teaches the limitation of a
> process that accesses a set of metadata independent of the metadata sets accessed
> by other metadata servers because one Arbiter microcomputer 128 is allocated to
> each services (Col 9 line 66- Col 10 line 21).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

5.   Claims 1, 6, 7, 8, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated

by Choquier et al., US Patent Number 5,951,694, hereinafter Choquier.

6.   Referring to claim 1, Referring to claim 1, Choquier teaches a storage system

(figure 1), comprising:

   a.   a plurality of system servers (items 120, 126, 128, 130, 134, 144)

        connected to one another by a communication network (network 122)

        having at least one node (each server is a node), wherein each system

        server includes at least one process that provides a storage system function

        independent of the states of other system servers in response to a request

        to the storage system that may affect multiple system servers (Col 25 lines

        31-33, each application server handle service requests independently), and

        wherein the storage system functions include:

        i.   at least one gateway service that includes a plurality of gateway

             servers (gateway 126), each gateway server hosting at least one

             client process (client 102) that can process client requests and pass

             the resulting set of requests to the storage system (Col 5 lines 22-

             24, gateway links client requests (incoming calls) to application

             servers) and including a process that may access at least one server

             directory (service map 136) to determine the location of a system

             server that can service a generated client request (Col 10 lines 32-

             37, gateway uses service map to determine location for service);

ii. at least one storage server service that includes a plurality of

storage servers (application servers 120), each storage server

including a process that accesses tiles stored in the storage system

independent of the files accessed by other storage servers (Col 6

lines 22-31, application server contains application to service client

requests, and Col 25 lines 31-33, each application server handle

service requests independently);

iii. at least one service further comprises a metadata service that

includes a plurality of metadata servers (arbiters 128), each

metadata server including a process that accesses a set of metadata

independent of the metadata sets accessed by other metadata

servers (Col 9 line 66- Col 10 line 21, Arbiter server is replicating

all the services content data stored locally in each server, and the

process of making a copy of data stored in the server to the arbiter

is corresponding to a process that accesses a set of metadata

independent of the metadata sets accessed by other metadata

servers); and

iv. wherein the at least one instance of a storage server services and at

least one instance of a metadata service are separate from each

other such that the services may be scaled independently of each

other (Col 25 lines 31-33, each application server handle service

requests independently).

7. Referring to claim 6, Lin teaches the storage system of claim 1, further including:

at least one server directory (service map 136 and global registry 145) that

includes location information and service capabilities of the system server, at least

one server directory providing at least one server location in response to a request

to the storage system (Col 10 lines 47-61).

8. Referring to claim 7, Lin teaches the storage system of claim 1, further including:

a routing request server (administrator server 134) that provides system server

location information (server to server allocation) in response to a request to the

storage system, the location information corresponding to a system server that is

capable of servicing the request (Col 6 lines 48-56).

9. Referring to claims 8, 11, 13, and 14, claims 8, 11, 13 and 14 encompass the same

scope of the invention as that of the claims 1, 6, 7.   Therefore, claims 8, 11, 13,

and 14 are rejected for the same reason as the claims 1, 6, and 7.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

be calculated from the mailing date of the advisory action. In no event, however,
will the statutory period for reply expire later than SIX MONTHS from the
mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Liang-che Alex Wang whose telephone number is
(571)272-3992. The examiner can normally be reached on Monday thru Friday,
8:30 am to 5:00 pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone
number for the organization where this application or proceeding is assigned is
571-273-8300.

14. Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
only. For more information about the PAIR system, see http://pair-
direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
July 26, 2006

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER